

Application No. 09/970,455  
Amendment A  
Attorney Docket No. AGIL-01600  
Page 7

### REMARKS/ARGUMENTS

#### *Claim Rejections - 35 U.S.C. §112*

**Claim 11** has been rejected under 35 U.S.C. § 112, second paragraph. Applicants respectfully traverse the rejections by canceling claim 11.

#### *Claim Rejections - 35 U.S.C. §101*

**Claims 1, 11, and 15** are rejected under 35 U.S.C. § 101 for various reasons. Applicants respectfully traverse the rejections by modifying claim 1, by cancelling claims 11 and 15, and by adding claims 19 and 24 in order to clarify the invention.

Amended independent claim 1 is indicative and recites a useful, concrete, and tangible real-world result, and is therefore directed to statutory subject matter. In particular, claim 1 recites the calculation of a supplier overall rating score. (Paragraph [00041]).

In addition, claims 19 and 24, having substantially the same limitations as claim 1, are therefore patentable as directed toward statutory subject matter at least for the same reasons stated in claim 1.

#### *Claim Rejections - 35 U.S.C. §103*

**Claims 1, 4-11, 13-15, 17 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Biren Prasad, JIT quality matrices for strategic planning and implementation*, 15, 9 Int'l J. of Operations & Production Mgmt. 116 (1995). *Prasad* is directed toward the development of the JIT quality matrices

Applicants respectfully traverse the rejections by canceling claims 3-5, 7,8, 10-18, by adding new claims 19- 26, and by amending a portion of the remaining claims, in order to clarify the invention and point out features that are not taught or suggested by the references, either alone or in combination.

Amended independent claim 1 is indicative and recites at least three elements not found in *Prasad*:

- 1) a filter constant that weighs a first term that is a product of the performance vector, and the first job attribute vector, to a second term that is the product of the supplier rating matrix, (Paragraph [00039]);

Application No. 09/970,455  
Amendment A  
Attorney Docket No. AGIL-01600  
Page 8

- 2) a single number representing the value of a supplier matrix (supplier overall rating score), (Paragraph [00041]); and
- 3) a job attribute vector including a set of sub-attributes including at least one of a plurality of ranges of tolerance values, a plurality of ranges of quantity values, and a plurality of ranges of times, (Paragraph [00012]).

Consequently, since *Prasad* does not disclose or suggest at least three elements recited in independent claim 1 and/or how these elements can be combined in the manner claimed, Applicants submit that claim 1 should now be allowable over the cited reference.

Claims 2, 6, and 9, which directly or indirectly depend on claim 1 should be allowable for the same reasons as claim 1.

Claim 19 is an article of manufacture with substantially the same limitations as claim 1, and therefore should be allowable for the same reasons as claim 1.

Claims 20-22, which directly or indirectly depend on claim 19, should be allowable for the same reasons as claim 19.

Claim 23 is a system claim with substantially the same limitations as claim 1, and therefore should be allowable for the same reasons as claim 1.

Claims 24-26, which directly or indirectly depend on claim 24, should be allowable for the same reasons as claim 24.

**Claims 2, 3, 12, and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Prasad*, in view of *Robert H. Guttman, Merchant Differentiation through Integrative Negotiation in Agent-mediated Electronic Commerce*, MS Thesis, MIT Department of Media Arts and Sciences, May 7, 1999. pp 1-153. *Prasad* is directed toward the development of the JIT quality matrices. *Guttman* is directed toward a method to fix online shopping by guiding it away from price comparisons and toward value comparisons.

Applicants have amended claim 2 and have canceled claims 3, 12, and 16, in order to clarify the invention and point out features that are not taught or suggested by the references, either alone or in combination.

Amended independent claim 1 is indicative and recites at least one element not found in *Prasad* or in *Guttman*:

Application No. 09/970,455  
Amendment A  
Attorney Docket No. AGIL-01600  
Page 9

1) a job attribute vector including a set of sub-attributes including at least one of a plurality of ranges of tolerance values, a plurality of ranges of quantity values, and a plurality of ranges of times, (Paragraph [00012]).

Consequently, since *Prasad* does not disclose or suggest at least one element recited in independent claim 1, and further since *Guttmann* does not remedy the deficiencies in *Prasad*, Applicants submit that claim 1 should now be allowable over the cited reference.

Claim 2 which directly or indirectly depends on claim 1 should be allowable for the same reasons as claim 1. Applicants therefore request that the Examiner reconsider and withdraw the §103 rejections. No new subject matter has been added.

### CONCLUSION

Applicants have amended the claims to further clarify features that are not described or suggested by the references. For these reasons, Applicants respectfully requests that the Examiner reconsider and withdraw the rejections of the claims.

In view of the discussion herein, Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at 408-288-7588.

Respectfully submitted,

  
Dave Stevens  
Registration No. 38,626

STEVENS LAW GROUP, P.C.  
P.O. Box 1667  
San Jose, CA 95109  
Tel: 408-288-7588